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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,244	02/02/2004	Steven A. Schneider		3614

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STEVEN A. SCHNEIDER  
P.O. BOX 2758  
SAN RAFAEL, CA 94912-2758

EXAMINER

VALENTI, ANDREA M

ART UNIT PAPER NUMBER

3643

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/771,244

Applicant(s)

SCHNEIDER, STEVEN A.

Examiner

Andrea M. Valenti

Art Unit

3643

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because the reference numbers should be in parenthesis. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 2 and 4 are objected to because of the following informalities:

Claims 2 and 4, 'agricultural, turf' should be --agricultural turf--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent DE 3502296 to Steinbronn.

Regarding Claim 1, Steinbronn teaches a plurality of contiguous concave reservoir basins (Fig. 1 #10) containing holes (Fig. 2 #9) within crests of basin walls separating such basins.

Regarding Claim 2, Steinbronn teaches it buried relatively horizontal to a soil surface beneath agricultural crops, agricultural, turf, garden, forestry and other cultivars or plant seeds (Fig. 1 #6).

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. US 2002/0005012 A1 to Cochran.

Regarding Claim 1, Cochran teaches a plurality of contiguous concave reservoir basins (Fig. 2 #20 and 22) containing holes (Fig. 1 #26) within crests of basin walls separating such basins.

Regarding Claim 2, Cochran teaches it buried relatively horizontal to a soil surface beneath agricultural crops, agricultural, turf, garden, forestry and other cultivars or plant seeds (Fig. 1).

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Pub. No. US 2003/0082359 A1 to Paine.

Regarding Claim 1, Paine teaches a plurality of contiguous concave reservoir basins (Fig. 6A #280) containing holes (Fig. 6A #230) within crests of basin walls separating such basins.

Regarding Claim 2, Paine teaches it buried relatively horizontal to a soil surface beneath agricultural crops, agricultural, turf, garden, forestry and other cultivars or plant seeds (Fig. 1 #130).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent DE 3502296 to Steinbronn.

Regarding Claims 3 and 4, Steinbronn teaches strips of material each comprising a plurality of contiguous concave reservoir basins (Fig. 1 #10) whereby such strips are buried (Fig. 1 #6), but is silent on the strips are spaced apart so as to provide a nominal opening between each strip of such material. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known device for a multiple effect placed in a configuration that optimizes coverage area and is relative to the location of the plants/crop above to optimize irrigation to the plants/crop that might be planted in parallel rows.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. US 2002/0005012 A1 to Cochran.

Regarding Claims 3 and 4, Cochran teaches the strips of material each comprising a plurality of contiguous concave reservoir basins whereby such strips are buried (Fig. 1 and 2), but is silent on the strips are spaced apart so as to provide a nominal opening between each strip of such material. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known device for a

multiple effect placed in a configuration that optimizes coverage area and spaced a distance apart to be placed in front of parallel grave sites.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. US 2003/0082359 A1 to Paine.

Regarding Claims 3 and 4, Paine teaches strips of material each comprising a plurality of contiguous concave reservoir basins (Fig. 6A #280) whereby such strips are buried, but is silent on the strips are spaced apart so as to provide a nominal opening between each strip of such material. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the duplication of a known device for a multiple effect placed in a configuration that optimizes coverage area and is relative to the location of the plants/crop above to optimize irrigation to the plants/crop that might be planted in parallel rows.

### ***Conclusion***

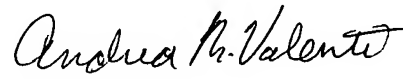
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

European Patent EP 266701 A2; United Kingdom Patent GB 2048635 A; United Kingdom Patent GB 2199474 A; U.S. Patent No. 6,428,870 B1; U.S. Patent No. 6,672,016 B2; U.S. Patent No. 3,849,991; U.S. Patent No. 3,443,385; U.S. Patent No. 3,528,251; U.S. Patent No. 640,077; U.S. Patent No. 4,889,758; U.S. Patent No. 6,385,903.

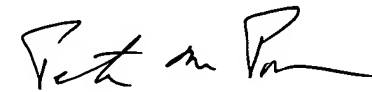
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

31 August 2004

  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600